

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

KATHERINE L. TACKELSON,

Debtor.

SCHEDULING ORDER AND
ORDER FOR TRIAL

ROBERT R. KANUIT,

Plaintiff,

vs.

BKY 03-50990
ADV 03-5049

BRENDA L. TACKELSON,

Defendant.

DATE OF SCHEDULING CONFERENCE: September 8, 2004

APPEARANCES: For Plaintiff: Robert R. Kanuit
For Defendant: Daniel R. Bina

Upon the scheduling conference held in this adversary proceeding, IT IS HEREBY ORDERED:

1. **Inapplicability of Disclosure Requirements.** The provisions of Fed. R. Civ. P. 26(a)(1), 26(f), 26(a)(2), and 26(a)(3) shall not apply in this adversary proceeding.
2. **Witness Lists.** No later than **October 29, 2004**, counsel for each party shall prepare, serve, and file a list of the names and addresses of all witnesses whom counsel may call at trial.
3. **Exhibits.** By the following deadlines, counsel shall take the following actions with respect to exhibits:
 - a. By **October 29, 2004**: counsel shall serve and file a list of all exhibits that counsel may offer at trial. *The plaintiff shall designate all exhibits by number and the defendant shall designate all exhibits by letter.*
 - b. By **November 9, 2004**: counsel shall exchange full copies of all exhibits identified in their lists.
 - c. By **November 19, 2004**: counsel shall prepare, sign, and file a stipulation as to the

admissibility of as many designated exhibits as possible. The stipulation may go to the foundation and authenticity alone (reserving objection as to relevancy), or may go to admissibility as a whole.

- d. By **November 19, 2004**: counsel shall file a statement of their client's specific objections as to all exhibits not covered by the stipulation contemplated by Term 3.c.

In addition to the copy of their client's exhibits to be offered formally into evidence, counsel shall bring to trial two additional collated and stapled copies of all exhibits (for the judge and the law clerk), plus an additional such copy for each opposing party's review and use at trial. All such copies shall be premarked according to the identification system of Term 3.a., with the proponent (plaintiff or defendant) identified in the marking. If there are multiple parties (plaintiff or defendant), each such shall identify itself as a plaintiff or defendant with an additional abbreviated form of the name by which it is identified in the caption.

4. **Stipulation of Fact.** By **November 9, 2004**, counsel for all parties shall jointly prepare, sign, and file a stipulation of uncontroverted facts, particularly as to basic documentary and transactional events. *For the purposes of this requirement, a stipulation is an **express agreement among parties**. The court does not wish to see a document entitled "stipulation of facts" that is actually one party's unilateral statement of facts that it believes are uncontroverted, or should be, and will give no weight or cognizance to such a document.*

5. **Motions in Limine.** By **November 9, 2004**, counsel shall serve and file all motions in limine. If the issues in such motions are complex, counsel shall set such motions on the calendar for a date *before* the date of the trial.

6. **Trial Briefs.** By **November 19, 2004**, counsel shall serve and file trial briefs, setting forth the factual and legal bases of their clients' positions, and with thorough citations to all statutes, court decisions, and other law on which they will rely.

7. **Pre-trial Settlement.** Counsel and the parties are strongly encouraged to time and conduct their negotiations so as to advise the court of settlement no later than seven days before the scheduled trial, in order to allow the court's calendar to be cleared for other matters.

8. **Trial.** The court will call this matter for trial on **December 9, 2004, at 9:30 a.m.**, in Courtroom No. 2, United States Courthouse, 515 West First Street, Duluth, Minnesota 55802. The court has allotted **one-half (1/2) day** for trial. Counsel and the parties shall be prepared to fully submit this matter within that time. NO FURTHER NOTICE OF THE TRIAL DATE WILL BE GIVEN.

9. **Effect of This Order.** All deadlines in this order are mandatory, unless extended by order. Such an extension may be obtained once, on stipulation reciting specified good cause in its terms, and otherwise only by formal motion. ***If any party is not represented by an attorney, he or she shall comply with all requirements directed to "counsel" in this order. FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN IMPOSITION OF SANCTIONS UPON COUNSEL OR PARTY, PURSUANT TO FED. R. CIV. P. 16(f), AS INCORPORATED BY FED. R. BANKR. P. 7056.***

BY THE COURT:

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Dated: September 9, 2004.

GREGORY F. KISHEL
CHIEF UNITED STATES BANKRUPTCY JUDGE

U.S. BANKRUPTCY COURT
DISTRICT OF MINNESOTA

I, Judy Brooks, hereby certify that I am judicial assistant to Gregory F. Kishel, Chief Bankruptcy Judge for the District of Minnesota; that on September 9, 2004, true and correct copies of the annexed:

ORDER

were placed by me in individual official envelopes, with postage paid; that said envelopes were addressed individually to each of the persons, corporations, and firms at their last known addresses appearing hereinafter; that said envelopes were sealed and on the day aforesaid were placed in the United States mails at St. Paul, Minnesota, to:

KANUIT, ROBERT R
4815 W ARROWHEAD RD STE 230
HERMANTOWN MN 55811

BINA, DANIEL R
1639 MAIN ST N STE 1
PINE CITY MN 55063

TACKELSON, BRENDA L
11 F KENWOOD TERRACE
MORA MN 55051

and this certificate of service was made by me.

/s/ Judy Brooks
Judy Brooks

Filed on September 9, 2004 Lori Vosejpka, Acting Clerk By jrb, Deputy Clerk
